


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY  D.C.
05 JUN 15 AM 10:35

ROBERT R. DI TROLIO
CLERK, U.S. DIST. CT.
W.D. OF TN, MEMPHIS

SCOTT SIDES,

Plaintiff,

v.

VELSOCOL CHEMICAL CORP.,

Defendant.

NO. 04-2404 Ma/An

ORDER DENYING MOTION FOR EXTENSION OF
DISCOVERY DEADLINES

Before the Court is Plaintiff's Motion for Extension of Discovery Deadlines filed on May 13, 2005. For the reasons set forth below, the Motion is **DENIED**.

Rule 16(b) of the Federal Rules of Civil Procedure provides that "[a] schedule shall not be modified except upon a showing of good cause and by leave of the District Judge, or when authorized by Local Rule, by a Magistrate Judge."¹ Fed. R. Civ. P. 16(b). "The primary measure of Rule 16's 'good cause' standard is the moving party's diligence in attempting to meet the case management orders and requirements." *Latonia Inge v. Rock Financial Corp.*, 281 F.3d 613, 625 (6th Cir. 2002) (citing *Bradford v. Dana Corp.*, 249 F.3d 807, 809 (8th Cir. 2001)).

After review, the Court concludes that Plaintiff has not shown a good cause reason why the deadlines should be extended. Plaintiff argues an extension is appropriate because Defendant supplied Plaintiff with insufficient discovery responses in May 2005 and because Plaintiff will

¹ Pursuant to Administrative Order No. 2003, Motions to Amend Scheduling Order are to be decided by the Magistrate Judge without a specific order of reference.


need time “to allow Defendant to file more sufficient responses” and for Plaintiff to file a Motion to Compel, if necessary. Defendant, however, argues that no motion to compel has been filed and that it has provided sufficient responses to all discovery requests. The Court agrees with Defendant and concludes an extension of the deadlines is not warranted.

Plaintiff also argues that he has yet to receive documents pursuant to a subpoena duces tecum; therefore, the Court should extend the deadlines to give Plaintiff time to collect the information. Defendant, however, informed the Court that the individuals responsible for producing the documents attempted to make the documents available to Plaintiff’s counsel, but Plaintiff’s counsel was unprepared for the meeting. The Court finds it inappropriate to extend the deadlines solely because of counsel’s unpreparedness.

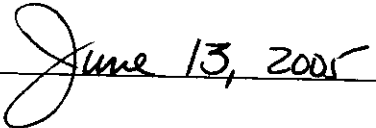
Finally, Plaintiff argues that Defendant will not be prejudiced by an extension of the deadlines; however, Defendant states that “[g]ranting yet another extension of the discovery deadline will be unduly prejudicial to the defendant who continues to meet its obligations under the Court’s original [Scheduling] Order, and cannot be ready for trial on August 22, 2005 if the discovery deadlines are continued, yet again.” The Court agrees with Defendant. Plaintiff has filed three previous motions asking the Court to extend the discovery deadlines, and the Court is reluctant to grant a fourth extension of the discovery deadlines when Defendant has responded to Plaintiff’s discovery requests and met its obligations under the Scheduling Order. Additionally, the Court finds it troublesome that an extension is needed because Plaintiff’s counsel was unprepared when two individuals were ready to produce documents in response to the subpoena duces tecum.

Therefore, because Plaintiff has shown no good cause reason why the deadlines should be extended and because Defendant will be prejudiced if the deadlines are extended, Plaintiff's Motion is **DENIED**.

IT IS SO ORDERED.



S. THOMAS ANDERSON
UNITED STATES MAGISTRATE JUDGE

Date: _____



Notice of Distribution

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Kathleen L. Caldwell
LAW OFFICE OF KATHLEEN L. CALDWELL
2080 Peabody Ave.
Memphis, TN 38104

Robert L. Moore
HEATON & MOORE, P.C.
100 N. Main St.
Ste. 3400
Memphis, TN 38103

Honorable Samuel Mays
US DISTRICT COURT